

REMARKS

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 1 and 10 have been amended to clarify that the guidewire lumen extension is external to but parallel with the shaft. This is clearly supported for example in the originally filed Figures. Claim 14 has been canceled, and claims 7 and 15 have been amended appropriately to update their dependencies. No new matter has been added as a result of these amendments.

Applicant respectfully traverses the Examiner's rejection of claims 1-5 and 7 under 35 U.S.C. § 102(b) as anticipated by Moore et al., U.S. Patent No. 5,531,700 (hereinafter Moore). In order to anticipate, the cited reference must disclose each and every claimed element. Moore fails to do so. While the Examiner has repeated much of his previous rejection concerning Figure 4 of Moore, it appears that the Examiner is relying upon Figures 8-12 of Moore, and thus Applicant will comment thereon.

With reference, for example to Figure 11, it would appear that the Examiner is equating the lumen extending from the distal guidewire port to the proximal guidewire port 30 as the claimed guidewire lumen while lumen 18, extending proximally from the proximal guidewire port 30, is considered by the Examiner to be equivalent to the claimed guidewire lumen extension. While the Examiner is correct in that a portion of the lumen distal to the proximal guidewire port could be considered to be axially aligned with the lumen 18, the Examiner is not correct in equating the lumen 18 with the claimed guidewire lumen extension.

In particular, Applicant respectfully notes that claim 1 requires that the tubular member defining the guidewire lumen extension have a proximal end that is positioned distal of the proximal end of the shaft. In contrast, the lumen 18 described by Moore appears to extend all of the way to the proximal end of the catheter. See, for example, column 8, lines 38-41 of Moore, where Moore notes that "the guidewire can be advanced entirely through the guide wire lumen 18 in a conventional over-the-wire manner." This function requires that the lumen 18 extend the entire length, to the proximal end of the catheter, and thus the lumen 18 cannot be considered equivalent to the claimed tubular member. For at least this reason, Moore fails to anticipate the claimed invention.

Moreover, claim 1 has been amended to require that the guidewire lumen extension be external to but parallel with the catheter shaft. Moore does not disclose this feature. Thus,

Moore fails once again to disclose a claimed limitation and, therefore, cannot reasonably be considered as anticipating the claimed invention. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 1-5 and 7 under 35 U.S.C. § 102(b) as anticipated by Salmon et al., U.S. Patent No. 5,314,408 (hereinafter Salmon). In order to anticipate, the cited reference must disclose each and every claimed element. Salmon fails to do so.

In particular, Applicant does not agree that Salmon describes a guidewire lumen extension that is axially aligned with a guidewire lumen, as required in claim 1. With reference to Figure 7 of Salmon, the Examiner is asserting that a guidewire lumen extends distally from the proximal guidewire port 71 and that a guidewire lumen extension 64 extends proximally from the proximal guidewire port 71.

However, the portion espoused by the Examiner as being equivalent to the claimed guidewire lumen is not a constant diameter tube, but rather appears to be triangular in longitudinal cross-section. Strictly speaking, the axis of such a shape would not be aligned with and parallel to the axis of the lumen 64, but rather would (with reference to Figure 7) be parallel to element 101. Therefore, Salmon does not describe a guidewire lumen extension that is axially aligned with the guidewire lumen and thus cannot be considered as anticipating the claimed invention.

Moreover, claim 1 has been amended to require that the guidewire lumen extension be external to but parallel with the catheter shaft. Salmon does not disclose this feature. Thus, Salmon fails once again to disclose a claimed limitation and, therefore, cannot reasonably be considered as anticipating the claimed invention. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 1-5, 7 and 10-15 under 35 U.S.C. § 102(b) as anticipated by Crittenden et al., U.S. Patent No. 4,988,356 (hereinafter Crittenden). In order to anticipate, the cited reference must disclose each and every element of the claimed invention. Crittenden fails to do so.

Crittenden describes a catheter having a guidewire lumen that extends the length of the catheter. The catheter includes a slit extending for much, if not all, of the length of the catheter, thereby permitting a guidewire to enter or leave the guidewire lumen anywhere along the length

of the catheter that might be desired. Crittenden describes a guide that operates in zipper-like fashion to assist a guidewire into or out of the guidewire lumen.

Claims 1 and 10 require that the guidewire lumen extension be external to but parallel with the guidewire lumen. The catheter itself described by Crittenden has no guidewire lumen extension. Apparently the Examiner is relying on elements of the guide member. However, even if so, the guide member 12 is configured such that a guidewire passes through tube 48 while a catheter passes through passageway 46.

Thus, even if some portion of the guide member 12 is considered to be equivalent to the claimed guidewire lumen extension (a point not conceded by Applicant), the catheter (with the guidewire lumen) passes through the guide member 12, and thus, there cannot be a guidewire lumen extension that is parallel with but external to the catheter shaft. Crittenden fails to anticipate the claimed invention. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 1-5, 7-9, and 10-17 under 35 U.S.C. § 102(b) as anticipated by Horzewski et al., U.S. Patent No. 4,771,777 (hereinafter Horzewski). In order to anticipate, the cited reference must disclose each and every claimed element. Horzewski fails to do so.

In particular, claims 1 and 10 have been amended to require that the guidewire lumen extension be positioned external to and parallel with the shaft. Horzewski fails to describe this feature. The Examiner has pointed to a guidewire lumen extending between a proximal guidewire port 47 and a distal guidewire port 33, and a tubular member 71 as allegedly equivalent to the claimed guidewire lumen extension. However, the tubular member 71 surrounds the shaft (and the guidewire lumen) and thus cannot be considered as being external to the shaft.

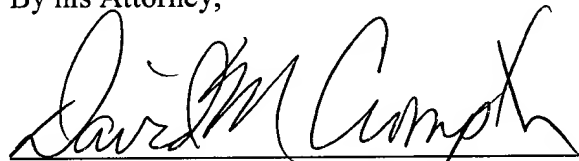
Thus, Horzewski fails to describe a claimed element and, therefore, cannot be considered as anticipating the claimed invention. Favorable reconsideration is respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Paul M. Scopton

By his Attorney,

A handwritten signature in black ink, appearing to read "David M. Crompton", written over a horizontal line.

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